

RESOLUTION NO. 75201

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSÉ DESIGNATING, PURSUANT TO THE PROVISIONS OF CHAPTER 13.48 OF TITLE 13 OF THE SAN JOSÉ MUNICIPAL CODE, THE LATTA HOUSE LOCATED AT 445 NORTH THIRD STREET AS A CITY LANDMARK OF SPECIAL HISTORICAL, ARCHITECTURAL, CULTURAL, AESTHETIC OR ENGINEERING INTEREST OR VALUE OF A HISTORIC NATURE

HL09-183

WHEREAS, Chapter 13.48 of Title 13 of the San José Municipal Code provides for the designation of structures and/or sites of special historical, architectural, cultural, aesthetic or engineering interest or value of a historical nature as historic landmarks by the City Council of the City of San José; and

WHEREAS, said Chapter 13.48 of Title 13 provides that any historic property can be nominated for designation as a City Landmark by the City Council, the Historic Landmarks Commission, or by application of the owner or the authorized agent of the owner of the property for which designation is requested; and

WHEREAS, the City Council adopted Resolution No. 75146 on October 27, 2009, initiating proceedings pursuant to said Chapter 13.48 of Title 13 for consideration of such historic landmark designation for the Latta House located at 445 North Third Street; and

WHEREAS, said Chapter 13.48 of Title 13 provides that before this Council may designate any building as a historic landmark, it shall hold at least one public hearing on such proposed designation, and that before it holds said public hearing, the Council shall refer said proposed landmark designation to the Historic Landmarks Commission of the City of San José for its consideration at a public hearing and for its report and recommendation thereon; and

WHEREAS, within the time and in the manner provided by Chapter 13.48 of Title 13, the Historic Landmarks Commission did, on November 4, 2009 at 6:00 p.m., conduct a public hearing on said landmark designation and recommend approval of the

designation of the Latta House, located at 445 North Third Street, described hereinafter in Section 1 of this Resolution, as a landmark of special historical, architectural, cultural, aesthetic or engineering interest or value of a historic nature and made certain findings with respect thereto; and

WHEREAS, a copy of the City of San José Historic Landmark Nomination Form No. HL09-183 upon which such recommendation was made is on file in the Planning Division of the City of San José and available for review; and

WHEREAS, within the time and in the manner provided by said Chapter 13.48 of Title 13, the City Council gave notice that on December 1, 2009 at 1:30 p.m., or as soon thereafter as said matter could be heard, this Council would, in the City Hall of the City of San José, 200 East Santa Clara Street, San José, California, hold a public hearing on said historic landmark designation, at which hearing any and all persons interested in said proposed designation could appear and avail themselves of an opportunity to be heard and to present their views with respect to said proposed designation; and

WHEREAS, said public hearing before the City Council was continued by the Council to December 8, 2009 at 1:30 p.m., or as soon thereafter as said matter could be heard; and

WHEREAS, the subject property is all that real property located within the City of San José at 445 N. Third Street and described in Exhibit "A," which exhibit is attached hereto and made a part hereof by this reference as if fully set forth herein; and

WHEREAS, at the aforesaid time and place set for hearing, or to which the hearing was continued, this Council duly met, convened, and gave all persons full opportunity to be heard and present their views with respect to said proposed landmark designation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JOSÉ AS FOLLOWS:

SECTION 1. In accordance with the provisions of Chapter 13.48 of Title 13 of the San José Municipal Code, the Historic Preservation Ordinance, this Council does

hereby designate the hereinafter described Latta House, located at 445 North Third Street, as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of a historic nature.

SECTION 2. Said designation is based on the following criteria of the Historic Preservation Ordinance:

- *Criterion (1), its character, interest or value as part of the local, regional, state or national history, heritage or culture for its contribution to the patterns of development of the Hensley City Landmark Historic District; Criterion (6), as an embodiment of distinguishing characteristics of an architectural type or specimen from its distinguished architecture due to its style and design; and Criterion (7), its identification as the work of an architect or master builder whose individual work has influenced the development of the City of San José, for the house's association with William Binder, a master architect in San José during the first half of the twentieth century.*

SECTION 3. The City Clerk is hereby directed to notify those persons designated in San José Municipal Code Section 13.48.110, Subsection L, in the manner

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specified by said Section and to direct the recordation of a Notice of Granting of this resolution in the Office of the Recorder of the County of Santa Clara.

ADOPTED this 8th day of December, 2009, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA, KALRA,
LICCARDO, NGUYEN, OLIVERIO, PYLE, REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.



CHUCK REED
Mayor

ATTEST:



LEE PRICE, MMC
City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION
FOR
LATTA HOUSE
445 N. THIRD STREET
HL09-183

Real property in the City of San Jose, County of Santa Clara, State of California, described as follows:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHEASTERLY LINE OF HENSLEY AVENUE WITH THE SOUTHWESTERLY LINE OF THIRD STREET, THENCE RUNNING SOUTHEASTERLY ALONG SAID LINE OF THIRD STREET, 61.50 FEET; THENCE SOUTHWESTERLY AND PARALLEL WITH SAID LINE OF HENSLEY AVENUE, 89, 92 FEET TO THE MOST EASTERLY CORNER OF THE PARCEL OF LAND CONVEYED BY ELIZABETH N. LATTA AND MAEBELLE MACNEAL, BY DEED DATED SEPTEMBER 12, 1945 AND RECORDED SEPTEMBER 15, 1945 IN BOOK 2184 OF OFFICIAL RECORDS, PAGE 374, SANTA CLARA COUNTY RECORDS; THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY LINE OF SAID PARCEL OF LAND AND PARALLEL WITH SAID LINE OF THIRD STREET, 61.50 FEET TO SAID SOUTHEASTERLY LINE OF HENSLEY AVENUE, THENCE NORTHEASTERLY ALONG SAID LAST MENTIONED LINE 89.92 FEET TO THE POINT OF BEGINNING AND BEING A PORTION OF LOTS 20 AND 21 IN BLOCK 5 OF HENSLEY ADDITION TO THE CITY OF SAN JOSE.

APN: 249-44-002